November 19, 1976

MEMORANDUM FOR: Committee of Counsel

This is a further progress report on developments in the current CAB proceedings involving the proposal to prohibit the smoking of cigars and pipes on aircraft and the solicitation of comments on the question whether all smoking should be prohibited on aircraft.

We have previously furnished you the Federal Register notice announcing the proceeding, the submission by The Tobacco Institute, and a few other comments, including those of the Tobacco Workers Union. I am now enclosing the following additional documents:

(1) Comments of the Air Transport Association, together with authorizations of individual airlines. These comments were submitted on behalf of all the major airlines in the country with the exception of Continental Airlines, which filed individual comments (also in opposition to the proposal).

(2) Comments of Continental Airlines.

(3) ASH's request and motion for extension of time in which to file comments.

(4) Initial comments of Aviation Consumer Action Project and its answer to ASH's motion for extension of time.

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(5) Notice of the CAB granting an extension of time.

I believe you will be especially interested in the filing of the Air Transport Association, which is well done, and also in the CAB's recent notice extending the time for comments. As this notice indicates, the Board determined to grant an additional 60 days for comments (the period now to expire January 21, 1977) and a 30-day period for reply comments (expiring February 21, 1977).

Periodic checks have been made by our office and by Covington & Burling of the docket at the CAB. As of yesterday, the number of filings was approaching 20,000, with the bulk being individual letters. Although no numerical count has been made, a sampling of these letters indicates that they are running heavily in favor of banning cigar and pipe smoking. There are also a large number of letters advocating the prohibition of all smoking on planes. There were, however, a number of comments strongly opposing a ban on smoking.

We will continue to follow the matter and to keep you advised of significant developments.

Horace R. Kornegay

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